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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/771,989	02/04/2004	Claude R. Gauthier	P9427	3585	
33438 7	590 08/10/2005		EXAMI	EXAMINER	
HAMILTON & TERRILE, LLP			KINKEAD, ARNOLD M		
	P.O. BOX 203518 AUSTIN, TX 78720		ART UNIT	PAPER NUMBER	
			2817		
			DATE MAILED: 08/10/2005	;	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)	$\overline{}$			
Office Action Community	10/771,989	GAUTHIER ET AL.	(&m)			
Office Action Summary	Examiner	Art Unit				
	Arnold M. Kinkead	2817				
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	correspondence addre	ess			
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be tin y within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this comm D (35 U.S.C. § 133)	nunication.			
Status						
1) Responsive to communication(s) filed on						
2a) This action is FINAL . 2b) This action is non-final.						
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
closed in accordance with the practice under E	-					
Disposition of Claims						
4)⊠ Claim(s) <u>1-20</u> is/are pending in the application.						
4a) Of the above claim(s) is/are withdraw						
5) Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>1,2,12 and 13</u> is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and/or	r election requirement.					
Application Papers						
9) The specification is objected to by the Examine	r					
10) The drawing(s) filed on is/are: a) acce		- - - - - - -				
Applicant may not request that any objection to the						
Replacement drawing sheet(s) including the correcti		• •	1 121(d)			
11) The oath or declaration is objected to by the Ex						
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign	priority under 35 U.S.C. § 119(a))-(d) or (f).				
a) ☐ All b) ☐ Some * c) ☐ None of:						
1. ☐ Certified copies of the priority documents						
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the prior		ed in this National Sta	age			
application from the International Bureau						
* See the attached detailed Office action for a list of	or the certified copies not receive	d.				
Attachment(s)						
Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948)	4) Interview Summary Paper No(s)/Mail Da					
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5) Notice of Informal P		52)			
Paper No(s)/Mail Date	6) Other:	/ /u. /\	•			
U.S. Patent and Trademark Office PTOL-326 (Rev. 1-04) Office Act	tion Summary Pa	rt of Paper No./Mail Date :	20050803			

DETAILED ACTION

Page 2

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1,2, 12, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Gupta(6,778,024). The reference by Gupta et al describes an integrated PLL (see figure 3) and with VCO, see background, and figures 2 and 3, with a sensing and compensation circuit(200) which as disclosed in col. 3, lines 10-25, senses when a voltage to frequency change in the operating characteristic(performance curve) of the VCO and compensates with trim signal generator(400) to allow for any deviation due to aging and other effects, see background and cols. 3-4. The method steps being inherent.

Art Unit: 2817

Allowable Subject Matter

3. Claims 3-11, and 14-20 are objected to as being dependent upon a rejected base claim, but would be

allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed

to Arnold M. Kinkead whose telephone number is 571-272-1763. The examiner can normally be reached on Mon-Fri,

8:30 am -5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pascal

can be reached on 571-272-1769. The fax phone number for the organization where this application or proceeding is

assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information

Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or

Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more

information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the

Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll+free).

Arnold M Kinkead

Primary Examiner

Art Unit 2817

Arnold Kinkead

Aug. 03, 2005